

UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
HARRISONBURG DIVISION

IN RE: Kristopher Bjorkman            Br Case 08- 50590  
Chapter 13

APPLICATION TO QUASH GARNISHMENT

TO THE HONORABLE ROSS W. KRUMM, U. S. BANKRUPTCY JUDGE:

Comes now your Applicant, Kristopher Bjorkman., by counsel, pursuant to Bankruptcy Code 11-USC § 362 (a), and states as follows:

1. That your applicant filed his petition for relief under chapter 7 of title 11 with this Court on or about June 9, 2008.
2. At the time of filing, pending in the City of Staunton General District Court 113 E. Beverly Street, Staunton Virginia 24401, there was a garnishment summons against the Debtor filed by American General Finance 850 Statler Sq. #113 Staunton Virginia 24401 a creditor in his bankruptcy, seeking to garnish the Applicant's bank account at Dupont Federal Credit Union 140 Lucy Lane Waynesboro Va 22980. A copy of this summons is attached. . Your applicant's social security number is 009-54-0461.

Wherefore your Applicant, prays that said garnishment be quashed insofar as it affects him/her and that he/she have such other relief as the nature of the case may require.

Respectfully submitted

Kristopher Bjorkman.

BY: /s/James O. Clough

ATTORNEY FOR APPLICANT

COUNSEL:

James O. Clough  
235 Newman Avenue  
Harrisonburg Va. 22801  
540-433-9881

CERTIFICATE:

This is to certify that on 6/13/08 I mailed a copy of the foregoing "Application", to City of Staunton General District Court 113 E. Beverly Street, Staunton Virginia 24401, American General Finance 850 Statler Sq. #113, Staunton Virginia 24401, Dupont Federal Credit Union 140 Lucy Lane Waynesboro Va 22980., George Vogel, chapter 7 trustee, PO Box 18188 Roanoke VA 24014 and the Debtor

/s/James O. Clough

COURT NAME

General District Court

COURT ADDRESS AND TELEPHONE NUMBER

TO ANY AUTHORIZED OFFICER: You are hereby commanded to serve this summons on the judgment debtor and the garnishee.

TO THE GARNISHEE: You are hereby commanded to (1) file a written answer with this court, or (2) deliver payment to this court, or (3) appear before this court on the hearing date and time shown on this summons to answer the Suggestion for Summons in Garnishment of the judgment creditor that, by reason of the lien of writ of fieri facias, there is a liability as shown in the statement upon the garnishee.

As garnishee, you shall withhold from the judgment debtor any sums of money to which the judgment debtor is or may be entitled from you during the period between the date of service of this summons on you and the date for your appearance in court, subject to the following limitations: (1) The maximum amount which may be garnished is the "TOTAL BALANCE DUE" as shown on this summons. (2) You shall not be liable to the judgment creditor for any property not specified in this garnishment summons. (3) If the sums of money being garnished are earnings of the judgment debtor, then the provision of "MAXIMUM PORTION OF DISPOSABLE EARNINGS SUBJECT TO GARNISHMENT" shall apply.

If a garnishment summons is served on an employer having one thousand or more employees, then money to which the judgment debtor is or may be entitled from his or her employer shall be considered those wages, salaries, commission or other earnings which, following service on the garnishee-employer, are determined and are payable to the judgment debtor under the garnishee-employer's normal payroll procedure with a reasonable allowance for making a timely return by mail to this court.

DATE OF ISSUANCE OF SUMMONS

CLERK

DATE AND TIME OF DELIVERY OF WRIT OF FIERI FACIAS TO SHERIFF IF DIFFERENT FROM DATE OF ISSUANCE OF THIS SUMMONS

TO GARNISHEE: On check or written answer, include return date, case number and judgment debtor's name. MAKE CHECK PAYABLE TO JUDGMENT CREDITOR AND DELIVER TO THE COURT.

WRIT OF FIERI FACIAS TO ANY AUTHORIZED OFFICER: You are commanded to execute this writ and to make from the intangible personal estate of the judgment debtor(s) the principal, interest, costs and attorney's fees, less credits, shown in the Garnishment Summons. You are further commanded to make your return to the clerk's office according to law.

Homestead Exemption Waived? ☐ yes ☐ no ☐ cannot be demanded

DATE OF ISSUANCE OF WRIT

CLERK

CASE DISPOSITION

ORDER that

☐ the garnishee pay to the judgment creditor through the court \$ net of any credits.  
☐ the case be DISMISSED.

DATE ENTERED

JUDGE

Answered General Response

JUDGMENT CREDITOR'S NAME

STREET ADDRESS

CITY, STATE, ZIP

TELEPHONE NUMBER

JUDGMENT CREDITOR'S ATTORNEY'S NAME

ADDRESS

TELEPHONE NUMBER

JUDGMENT DEBTOR'S NAME (SERVE)

STREET ADDRESS

CITY, STATE, ZIP

SOCIAL SECURITY NUMBER

TELEPHONE NUMBER

GARNISHEE'S NAME

STREET ADDRESS

CITY, STATE, ZIP

DATE OF JUDGMENT

STATEMENT

TELEPHONE NUMBER

Judgment Principal

Credits

Interest

Judgment Costs

Attorney's Fees

Garnishment Costs

TOTAL BALANCE DUE

The garnishee shall rely on this amount.

GARNISHMENT SUMMONS

This is a garnishment against (check only one)  
☐ the judgment debtor's wages, salary or other compensation.  
☐ some other debt due or property of the judgment debtor, specifically,

MAXIMUM PORTION OF DISPOSABLE EARNINGS SUBJECT TO GARNISHMENT  
☐ Support  
☐ 50% ☐ 55%  
☐ 60% ☐ 65%  
(if not specified, then 50%)  
☐ state taxes, 100%

If none of the above are checked, then § 34-29(a) applies (a plain-language interpretation of this section is on the reverse of this GARNISHMENT SUMMONS).

\$ received by

JUDGMENT CREDITOR

☐ Judgment debtor present

DATE